

Responsibilities of Non-Profit Organizations under the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) gives rights of equal access to places of public accommodation *including* non-profit organizations. For deaf or hard of hearing people, this means the removal of what can be frustrating barriers to communication.

Title III of the ADA covers a variety of places of public accommodation: social service, mental health, medical, dental, education and legal providers, **all of which** may be held responsible for the provision of auxiliary aids to people with disabilities. This responsibility may apply regardless of profit status or size of the organization.* [If public and private agencies act jointly, the public agency must ensure that the relevant requirements of Title II of the ADA which covers State and Local Government are met; and the private agency must ensure compliance with Title III.®]

Places of public accommodation must give persons with disabilities equal opportunity to participate in and to benefit from their services. In order to provide equal access, all public accommodations are required to provide auxiliary aids and services to ensure effective communication.®* Effective communication means:

“communication must be conveyed effectively, accurately, and impartially, through the use of any necessary specialized vocabulary.”®

Potential auxiliary aids and services that may be requested by deaf or hard of hearing consumers include:

[q]ualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning,

telecommunication devices for deaf persons [TTYs], videotext displays [CART], or other effective methods of making aurally delivered materials available to individuals with hearing impairments.*

The Department of Justice, “expects that public accommodations will consult with the individual with a disability before providing a particular auxiliary aid or service” and also states:

“It is not difficult to imagine a wide range of communications involving areas such as health, legal matters, and finances that would be sufficiently lengthy or complex to require an interpreter for effective communication”.®

A public accommodation may deny an auxiliary aid *only* if it can demonstrate that providing the aid would fundamentally alter the nature of the service or would constitute an “undue burden” or expense. Whether or not a particular auxiliary aid constitutes an undue burden is difficult to decide. Undue burden is *not* measured by the amount of income the business is receiving from a deaf client, patient or customer. Instead, undue burden is measured by the overall financial impact on the whole organization.

Possible Auxiliary Aids for Deaf or Hard of Hearing People

One solution does not fit all deaf or hard of hearing people, due to many factors, such as: the wide range of hearing loss, the variety of communication methods, and the differences in the age of onset. The following are just a few examples to aid in communication access:

Sign Language Interpreters

Interpreters can be found through local and state chapters of the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf (RID). Both NAD and RID have their own rigorous certification requirements. Further information about interpreters and when they should be hired may be obtained by contacting your regional BDHH office.

CART

Communication Access Real-time Translation (CART), also known as real-time captioning (RTC), is the instant translation of the spoken word into English text using a stenotype machine, laptop computer and real-time software. The text appears on a computer monitor or other display. People who are deaf or hard of hearing and have a preference for, or are comfortable with, the English language use this technology.

Telecommunications

A TTY (also called a TDD is a device with a keyboard that allows people who are deaf or hard of hearing to type and read their telephone conversations. The **Wisconsin Telecommunications Relay System (WTRS)** provides an essential 24/7 service for effective telephone communication between TTY users and telephone users. Communication Assistants (CA) are operators who relay conversations between the two callers. During a relay call, a CA says everything the TTY user types, and types everything the telephone user says. To make a call to a TTY user, dial 7-1-1 and give the CA the number to call. There is no charge for making a 7-1-1 call; however, long distance charges will be applied for long distance calls. All relay calls are confidential.

For additional information, please contact:

®U.S. Department of Justice, Americans with Disabilities Act Information Line

www.usdoj.gov/crt/ada/adahom1.htm

800-514-0301 Voice

800-514-0383 TTY

*National Association of the Deaf Law Center

www.nad.org/infocenter/infotogo/legal/ada3aux.html

301-587-1788 Voice

301-587-1789 TTY

*IRS – Tax Benefits

www.irs.gov

IRS code 44 Disabled Tax Credit

IRS code 190 Architectural Tax Deductions

Wisconsin Office for the Deaf and Hard of Hearing

The Wisconsin Office for the Deaf and Hard of Hearing is a State of Wisconsin agency, under the Department of Health and Family Services.

The Office provides a variety of free services:

- ✓ Information about deafness, Deaf Culture, American Sign Language, hard of hearing issues and living with a hearing loss.
- ✓ Information and demonstrations about assistive listening devices and communication technology such as TTY's.
- ✓ Referrals, consultations, training to public and private sectors.
- ✓ A list of interpreter scheduling agencies and private practice interpreters.
- ✓ The Wisconsin Interpreting and Transliterating Assessment (WITA), which assesses and verifies interpreting skills, knowledge and readiness to interpret in different situations.
- ✓ The Telecommunications Assistance Program (TAP), which provides funds to individuals with a hearing loss on low incomes to enable them to purchase special telecommunication devices.
- ✓ The Service Fund program, which helps businesses or agencies pay for interpreting, CART and other communication services when certain criteria are met. For more information, please contact the appropriate regional office in your area.

Additional information about the Office's programs and services can be found at this website:

www.dhfs.state.wi.us/sensory

☞ **For further assistance, please contact the Office's regional office in your area:**

Southern Regional Office

2917 International Lane, Suite 230
Madison, WI 53704-3135
(608) 243-5732 TTY
(608) 243-5733 V
(608) 243-5730 FAX

Southeastern Regional Office

141 NW Barstow Street, Room 104
Waukesha, WI 53188-1349
(262) 548-5858 TTY
(262) 521-5128 V
(262) 521-5302 FAX

Northeastern Regional Office

200 North Jefferson Street, Suite 311
Green Bay, WI 54301-5191
(920) 448-5295 TTY
(920) 448-5294 V/TTY
(920) 448-5266 FAX

Western Regional Office

610 Gibson Street, Suite 1
Eau Claire, WI 54701
(715) 836-2107 V/TTY
(715) 836-2535 FAX

Northern Regional Office

2801 North 7th Street, Suite 300
Wausau, WI 54403-3281
(715) 842-1211 TTY
(715) 842-7693 V/TTY
(715) 842-7051 FAX

A Guide For Non-Profit Organizations

Americans with Disabilities Act



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